

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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ADAM ZREPSKEY,

Plaintiff,

v.

Case No. 11-11345

CITY OF WARREN, et al.,

Defendants.

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**ORDER IMPOSING ATTORNEY FEES AND COSTS AND  
RE-SETTING SCHEDULING CONFERENCE**

On May 27, 2011, the court issued a "Notice to Appear" for a scheduling conference to occur on June 7, 2011. On June 6, 2011, the court re-set the conference for June 23, 2011. Both notices were electronically filed, and on June 23, 2011, Plaintiff's attorney appeared for the conference. Defendants' attorney, however, did not appear. The court's case manager contacted defense counsel's secretary, who explained that counsel was at the time in the midst of a deposition for another matter. It is counsel's obligation to notify the court as soon as possible, and in any event prior to the date of the conference, if he has a scheduling conflict that precludes attendance at the conference. The court has authority under both the local rules and the Federal Rules of Civil Procedure to sanction, including by imposing reasonable attorney fees and costs on an attorney for failure to appear at a duly-noticed conference. See Fed. R. Civ. P. 16(f); E.D. Mich. LR 16.1(d). Accordingly,

IT IS ORDERED that Defendants' attorney shall pay Plaintiff's reasonable attorney fees and costs that were incurred as a result of counsel's failure to appear at

the June 23, 2011, scheduling conference. Plaintiff's counsel shall present his reasonable bill of fees and costs to Defendants' counsel within five (5) days of the date of this order and, barring any objections, Defendants' counsel shall pay the amount within seven (7) days thereafter.

IT IS FURTHER ORDERED that the court will conduct a scheduling conference on **June 30, 2011, at 10:30 a.m.** The court will inquire at the scheduling conference as to whether Plaintiff's attorney fees and costs have been paid, and if not, the court will hear and resolve any objections on the record at that time.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: June 24, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 24, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522